IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22892 of 2006

DATED: 06.11.2006

Between:
The Depot Manager,
APSRTC, Midhani Depot,
Hyderabad petitioner

And

R.S. Naik and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 22892 OF 2006

ORAL ORDER:

The present writ petition is filed by the Depot Manager of APSRTC, questioning the orders dated 23.6.2006 in M.P. No. 63 of 2002 of the Labour Court-I, Hyderabad allowing the petition and directing the respondent-petitioner herein to reimburse the medical bills of the petitioner-first respondent herein.

2. The facts in brief necessary for the disposal of the case are as under:

3. The first respondent herein, who is employed in the petitioner corporation as Conductor fell sick and was attacked with white jaundice and underwent treatment in the APSRTC Hospital from 10.2.1999 to 17.3.1999 as in-patient. The first respondent contends that there were no proper facilities available at APSRTC hospital and he was directed to go to any specialised hospital. Thereafter, the first respondent joined Medwin hospital and undergone treatment for his ailment and submitted a bill for Rs.15,398=75 for reimbursement. The claim of the petitioner was rejected by the Chief Medical Officer, APSRTC, Tarnaka Hospital on the ground that the first respondent has taken the treatment at Medwin hospital on his own accord and that he was not referred to Medwin hospital by the doctors of APSRTC Hospital, Tarnaka. Since, his claim was rejected, the first respondent approached the Labour Court by filing a petitioner under section 33-C (2) of the Industrial Disputes Act, 1947 claiming reimbursement of medical bills.

4. Before the Labour Court, the first respondent herein was examined as W.W.1 and marked documents Ex.W1 to Ex.W18 and on behalf of the petitioner-APSRTC, its Assistant Manager was examined as M.W.1 and documents in Ex.M.1 to Ex.M.3 were marked.

5. The Labour Court on consideration of the rival contentions of the

parties and the evidence available allowed the petition. The Labour Court observed that " *This is not a case where the petitioner (first respondent) directly approached the Medwin hospital for treatment, that he was initially admitted in the APSRTC Hopital , Tarnaka and taken treatment for a period over a month, as no improvement was found he was taken to Medwin hospital in an emergency circumstances*". The petitioner-APSRTC questions the said order, mainly on the ground that the Doctors of APSRTC hospital have not recommended the first respondent to any other Corporate Hospital and the claim is a belated one. These aspects were considered by the Labour Court and based on the evidence available on record, the Labour Court held that the petitioner was taken to a specialised hospital in emergency and the formal orders of reference can be dispensed with. The contentions raised in the present writ petition were properly considered and answered by the Labour Court while allowing the claim by of the first respondent and there are no grounds warranting interference by this Court with the orders passed by the Labour Court. Accordingly, the orders of the labour Court dated 23.6.2006 in M.P. No. 63 of 2002 are confirmed.

6. Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATE: 6.11.2006

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